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EMN:SPN/TAD
F.# 2015R00079

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

TAIROD NATHAN WEBSTER PUGH,

Defendant.

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FILED UNDER SEAL

**AFFIDAVIT IN SUPPORT
OF ARREST WARRANT**

Cr. No.
(T. 18, U.S.C., § 2339B(a)(1))

EASTERN DISTRICT OF NEW YORK, SS:

GHAILAN H. STEPHO, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

**ATTEMPT TO PROVIDE MATERIAL SUPPORT
TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION**

Upon information and belief, in or about and between May 15, 2014 and January 16, 2015, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant TAIROD NATHAN WEBSTER PUGH did knowingly and intentionally attempt to provide material support and resources, as defined in 18 U.S.C. § 2339A(b), including personnel, including PUGH himself, to a foreign terrorist organization, to wit: the Islamic State of Iraq and the Levant ("ISIL"), which has been

designated by the Secretary of State as a foreign terrorist organization since May 15, 2014, pursuant to Section 219 of the Immigration and Nationality Act.

(Title 18, United States Code, Sections 2339B(a)(1) and 3551 et seq.)

FACTUAL ALLEGATIONS

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation's ("FBI") New York Joint Terrorism Task Force ("JTTF"). I have been an FBI Special Agent since 2010 and have been working on the JTTF since 2011. As a Special Agent, I have investigated national security matters, and I have conducted physical surveillance, executed court-authorized search warrants and used other investigative techniques to secure relevant information. As a result of my training and experience, I am familiar with the tactics, methods and techniques of terrorist networks and their members, including the use of computers, cellphones, social media, email, and the internet in connection with criminal activity. I am currently assigned to the JTTF's squad CT-3, and my responsibilities include the extra-territorial investigation of terrorist activity in Africa and elsewhere, including terrorist activity by various designated foreign terrorist organizations such as ISIL.

2. I have personally participated in the investigation of the offense discussed below. I am familiar with the facts and circumstances of this investigation from:

¹ Because the purpose of this complaint is to provide only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

(a) my personal participation in this investigation; (b) interviews with witnesses; (c) my review of records and reports generated by other law enforcement agents in the United States and elsewhere; (d) my review of communications recovered during the investigation; and (e) information provided to me by other agents and law enforcement officials.

3. Excerpts of documents, e-mails and other conversations and correspondence, when referred to herein, are drawn from summaries. Where statements of others are set forth, except as otherwise noted, they are set forth in sum and substance and in part.

A. Background on ISIL

4. United States law enforcement agents, including members of the New York JTTF, have been investigating individuals located in the United States and abroad who may have traveled to Syria to fight violent jihad and provide material support to designated foreign terrorist organizations, including ISIL, that are operating in that country.

5. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist Entity under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq as a FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist Entity under section 1(b) of Executive Order 13224 to add the alias ISIL as its primary name. The Secretary also added the following aliases to

the ISIL listing: the Islamic State of Iraq and al-Sham (“ISIS”), the Islamic State of Iraq and Syria (“ISIS”), ad-Dawla al-Islamiyya fi al-‘Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never formally called itself “Al-Qaeda in Iraq,” this name has frequently been used to describe ISIL through its history. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to Islamic State (“IS”).

B. Background on TAIROD PUGH

6. The defendant TAIROD NATHAN WEBSTER PUGH, 47, is a United States citizen. PUGH’s last known address in the United States was in Neptune, New Jersey.

7. From in or about 1986 to 1990, PUGH served in the United States Air Force, where he worked as an avionics instrument system specialist and received training in the installation and maintenance of aircraft engine, navigation, and weapons systems. After moving to San Antonio, Texas in or about 1998, PUGH converted to Islam and became increasingly radical in his beliefs.

8. In or about 2001, PUGH worked as a mechanic for American Airlines. In 2001, the FBI received a tip from a co-worker of PUGH’s at American Airlines that PUGH sympathized with Osama bin Laden, felt that the 1998 bombings of U.S. embassies overseas were justified, and expressed anti-American sentiment.

9. In 2002, an associate of PUGH’s who was interviewed by the FBI stated that PUGH had expressed an interest in traveling to Chechnya to fight jihad.

10. From October 2009 to March 2010, PUGH was an Army contractor for DynCorp in Iraq, working on aircraft avionics.

11. I have reviewed travel records that indicate that PUGH was listed as a crewmember on an outbound flight from John F. Kennedy International Airport to Bahrain in January of 2014. The record is unclear as to whether PUGH boarded the flight.

12. Based on interviews with PUGH's family members on January 13, 2015, investigators have learned that PUGH has been living overseas for approximately the past year and a half in Egypt, Dubai, and Jordan, among other locations.

C. PUGH's Detention in Egypt

13. On January 10, 2015, PUGH was stopped for questioning upon arrival at Ataturk Airport in Istanbul, Turkey, off of a flight from Egypt, where he had been living for approximately one year. When questioned by Turkish authorities, PUGH claimed that he was a pilot with the United States Special Forces and that he sought to enter Turkey for vacation. PUGH refused to allow the Turkish authorities to access his laptop as part of a border crossing search. The Turkish authorities, likely suspicious that PUGH might be entering Turkey in order to cross the border into Syria, denied PUGH entry into the country and placed him on a return flight to Cairo, Egypt.

14. When he arrived in Egypt on the evening of January 10, 2015, PUGH was detained pending deportation to the United States. Upon being detained, PUGH stated

that had been unable to find work in Egypt and had traveled to Turkey to look for a job.

PUGH denied any desire to travel to Syria.²

15. PUGH's possessions at the time of his detention in Egypt included various electronic media devices, including an HP laptop computer, an Apple iPod, a Samsung Galaxy S4 mobile telephone, a Pixel mobile telephone, and five USB thumb drives (the "Electronic Devices"). Upon arrival in Egypt, PUGH's laptop was assessed to have water damage and was inoperable. PUGH's iPod appeared to have been reset or initialized, i.e., wiped clean of data. In addition, many of the USB thumb drives appeared damaged and were missing their outer casings. It thus appeared that PUGH had purposefully tampered with the Electronic Devices to prevent anyone from accessing his electronic media.

16. PUGH also provided the password to his Samsung mobile telephone, which contained several photographs, including a photograph of a machine gun, several photographs of airplanes, and photographs taken of an airplane toilet and of the area under the airline seats, where passengers typically stow carry-on luggage. Asked why he had a photograph of a machine gun, PUGH stated, in sum and substance and in part, that he had no particular reason other than simply liking the photograph.

17. In addition, PUGH stated that he had a wife in Egypt. Notably, PUGH's wife has stated, in sum and substance and in part, that PUGH has told her several

² The information in paragraphs 14 – 19 was provided by confidential sources who have provided reliable information in the past and who have firsthand knowledge of the stated facts. These confidential sources have no prior relationship with PUGH and, based on my knowledge of the sources, I have no reason to believe they harbor any bias against PUGH.

times that he planned to travel to Palestine to “join jihad.” PUGH is believed to have met his wife sometime within the past eighteen months.

18. Upon notification that he was likely to be deported to the United States, PUGH stated, in sum and substance and in part, that he preferred to be sent anywhere in the Middle East instead of to the United States because, in PUGH’s view, “The U.S. doesn’t like black Muslims.”

19. Asked how he wished to pay for his repatriation flight, PUGH stated that he would not pay for his flight and preferred to remain in Egyptian custody.

20. On January 11, 2015, FBI agents obtained PUGH’s electronic media devices and other possessions. The Electronic Devices were transported to the United States, where they remain in FBI custody.

21. Four of the five thumb drives in PUGH’s possession appeared to have been intentionally damaged in an attempt to prevent anyone from accessing the data contained therein. The devices appeared to have been stripped of plastic covering and bent.

D. The Search of Pugh's Electronic Devices

22. On January 14, 2015, the Honorable James Orenstein issued a search warrant permitting the FBI to search the Electronic Devices (the "1/14/15 Warrant").

23. A preliminary search of the Electronic Devices pursuant to the 1/14/15 Warrant revealed that the internal memory chips had been removed from the four damaged thumb drives.

24. A search of PUGH's laptop revealed an email dated December 11, 2014, sent from tairod.pugh@outlook.com, in which PUGH informed an acquaintance that he had been fired from his job. The laptop also contained a letter to "My Misha." The document properties of this letter show a creation date of January 3, 2015 and a last modified date of January 5, 2015. Based on other references to "Misha" that appear on the laptop, the fact that "Misha" is also listed as a user of the laptop, and PUGH's own references to "Misha" as his wife, I believe "Misha" to be PUGH's Egyptian wife. This letter states, in relevant part:

I am a Mujahid. I am a sword against the oppressor and a shield for the oppressed. I will use the talents and skills given to me by Allah to establish and defend the Islamic States. There is only 2 possible outcomes for me. Victory or Martyr. If Allah gives us Victory we will have a home in Al-sham.³ I will send for you when it is safe. You will have a nice home around believers. If I am made a martyr we will have a mansion of

³ "Al-Sham" or "Bilad Al-Sham" refers to the geographical area that is now the country of Syria, with the borders that existed from approximately 626 A.D. to 940 A.D. ISIS — the Islamic State of Iraq and al-Sham or the Islamic State of Iraq and Syria — references al-Sham in its title.

indescribable beauty on a magnificent plot of land. The land under a whip is worth more than the world and all it contains.

I calculated my worth in Dunya. I would usually sell myself for \$1,000 dollars a week, that would be ½ a million dollars for 10 years. If I sell myself to Allah: 1 night guarding the borders for the sake of Allah is worth more than the world and all it contains.

25. Agents also discovered on PUGH's laptop approximately 180 jihadist propaganda videos, including an ISIL video that shows the execution of multiple prisoners. This video shows the prisoners being captured, lined up, and shot in the head, one by one. Information obtained from PUGH's laptop indicates that this video was downloaded on December 18, 2014. Other propaganda videos were downloaded between September 22, 2014 and December 18, 2014.

26. In addition, PUGH's laptop contained a chart of crossing points between Turkey and Syria, which was downloaded on January 5, 2015. The chart, dated December 12, 2014, shows specific places where one may cross the border between Turkey to Syria, information about whether the checkpoints are manned by Turkish authorities, and the particular group(s) who control the inner areas of the border within Syria. ISIL appears on the chart as an "inner border actor," i.e., a group controlling inner areas of Syria, in multiple places on the chart.

27. Based on my training and experience, I know that the Turkish border with Syria is the primary entry point for foreign fighters seeking to travel into and out of

Syria to wage violent jihad on behalf of designated foreign terrorist organizations such as ISIL.

28. In addition, members and supporters of terrorist organizations typically compile and store propaganda and technical materials, such as videos, instructional manuals, technical documents, and lectures, on devices such as computers, phones, thumb drives, and external hard drives and share such materials by sharing the devices on which the materials are stored.

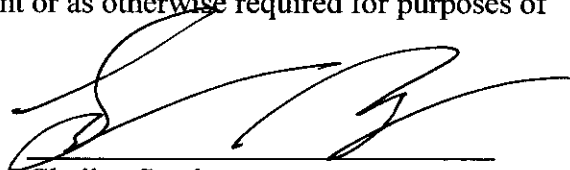
E. PUGH's Statements in New York

29. On January 15, 2015, PUGH returned to the United States from Egypt. Shortly after PUGH's arrival, a government agent approached PUGH and struck up a conversation. PUGH spoke to the agent at length. The agent asked PUGH where he was coming from, and what he had been doing abroad. PUGH related his experience of being kicked out of Turkey and Egypt, stating, in sum and substance and in part, that he should have shaved his beard and changed into pants before trying to enter Turkey so as to avoid drawing suspicion. PUGH also stated that he had been kicked out of Turkey because the Turkish authorities thought PUGH was affiliated with ISIL.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant TAIROD NATHAN WEBSTER PUGH so he may be dealt with according to law.

It is further requested that this affidavit, arrest warrant, and other papers

submitted in support of this application be sealed until further order of the Court so as to prevent notifying the defendant and his associates of the pending warrant, which might result in the destruction of evidence and the flight of coconspirators, with the exception that the complaint and arrest warrant shall be unsealed for the limited purpose of disclosing the existence of or disseminating the complaint and/or arrest warrant to relevant United States, foreign, or intergovernmental authorities, at the discretion of the United States and in connection with efforts to prosecute the defendant or as otherwise required for purposes of national security.



Ghailan Stepho
Special Agent
Federal Bureau of Investigation

Sworn to before me this
16th day of January, 2015

THE HONORABLE STEVEN I. LOCKE
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK